

Appln No. 09/955,693

Amdt date August 29, 2005

Reply to Office action of June 28, 2005

REMARKS/ARGUMENTS

Claims 1-23 remain pending in this application.

Claims 1-4, 7-11, 13, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogge (U.S. Patent No. 4,535,459) in view of Spagnoletti et al. (U.S. Patent No. 6,151,356). Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogge in view of Bowles (Publication: Chapter 7). Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hogge in view of Spagnoletti and further in view of Bowles and further in view of Evans (U.S. Patent No. 3,631,488). Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogge in view of Spagnoletti and further in view of Meghelli (U.S. Patent No. 6,577,694). Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogge in view of Spagnoletti and further in view of Wang et al. (U.S. Patent No. 6,219,380). Claims 22-23 are deemed to contain allowable subject matter. Applicant respectfully traverses the rejections of claims 1-21.

Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness with respect to claims 1-21 because the Examiner does not indicate why a person of skill in the art would have had the motivation or suggestion to combine any of the cited references in the manner suggested by the Examiner.

With respect to claim 1, the Examiner contends that "[a]lthough Hogge does not explicitly state the second signal is outputted by a latch, based on the Spagnoletti et al's invention, it can be shown that the second signal is indeed

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outputted by a latch." (Office action, p. 2, par. 3a). The Examiner then states that "in Fig. 4, label 116, Hogge discloses a logic gate [that] is depicted exactly the same as Spangoletti et al.'s invention in Fig. 4, label 203." (Office action p. 3, par. 3a). If the Examiner's argument is that Hogge's logic gate depicted in Fig. 4 with label 116 is in fact a latch, Applicant respectfully disagrees. Hogge explicitly states that this logic gate is a "D type flip-flop." (Col. 3, lines 1-4. A flip-flop is not a latch.

If, however, the Examiner contends that it would have been obvious to one of skill in the art to replace Hogge's flip-flop with Spangoletti's latch, Applicant respectfully submits that the Examiner has failed to point to any motivation or suggestion in the prior art that would have motivated the person of skill in the art to modify Hogge in such a manner. It is well-settled that an Examiner cannot establish a *prima facie* case of obviousness merely by locating references which describe various aspects of a patent applicant's invention -- the Examiner must also "show some objective teaching in the prior art . . . that would lead [one of ordinary skill in the art] to combine the relevant teachings of the references." (In re Fine, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); see also *Ex parte Levengood*, 28 USPQ2d 1300, 1302 (BPAI 1993)). The Examiner here fails to point to any objective evidence which would motivate one of ordinary skill in the art to replace Hogge's flip-flop with Spangoletti's latch. Accordingly, claim 1 is now in condition for allowance.

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Independent claims 7 and 13 include limitations that are similar to the limitations of claim 1 which make claim 1 allowable. Accordingly, claims 7 and 13 are also in condition for allowance.

Applicant submits that claims 2-6, 8-12, and 14-21 are also in condition for allowance because they depend on allowable base claims, and for the additional limitations that they contain. Specifically with respect to claim 6, claim 6 recites that "the flip-flop has inductors as loads." In rejecting this claim, the Examiner simply points to the inductors in Evans to contend that this claim is rendered obvious by the combination of Hogge, Spagnoletti, Bowles, and Evans. However, the Examiner does not provide any explanation as to why a person of skill in the art would have been motivated to apply the teachings of Evans to the teachings of Hogge, Spagnoletti, and Bowles. In fact, Applicant respectfully submits that a person of skill in the art would not have been motivated to apply the teachings of Evans because Evans is not concerned at all with a phase detector for recovering data from a data signal.

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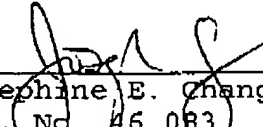
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In view of the above remarks, Applicant respectfully requests reconsideration and an early indication of allowance of claims 1-23.

Respectfully submitted,
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